



**DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS**



In the matter of:)
)
) ISCR Case No. 12-09411
)
Applicant for Security Clearance)

Appearances

Tovah Minster, Esquire, Department Counsel
For Applicant: *Pro se*

01/07/2013

Decision

ANTHONY, Joan Caton, Administrative Judge:

After a thorough review of the pleadings, testimony, and exhibits in this case, I conclude that Applicant mitigated security concerns under Guideline B, Foreign Influence. Her eligibility for a security clearance is granted.

Statement of the Case

Applicant completed an Electronic Questionnaire for Investigations Processing (e-QIP) on January 23, 2012. On August 15, 2012, the Defense Office of Hearings and Appeals (DOHA) issued Applicant a Statement of Reasons (SOR) detailing security concerns under Guideline B, Foreign Influence. DOHA acted under Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) effective within the Department of Defense for SORs issued after September 1, 2006.

Applicant's answer to the SOR was signed and notarized on September 7, 2012. She requested a decision on the record in lieu of a hearing. On September 26, 2012, Department Counsel requested a hearing, pursuant to Paragraph E3.1.7 of Enclosure 3

of DoD Directive 5220.6.¹ The case was assigned to me on October 31, 2012. I convened a hearing on November 21, 2012, to consider whether it is clearly consistent with the national interest to grant or continue a security clearance for Applicant. The Government called no witnesses and introduced two exhibits, which were marked Ex. 1 and Ex. 2 and entered in the record without objection. Additionally, the Government requested that I take administrative notice of certain facts about Afghanistan and provided, as reference materials, official U.S. documents.² Applicant did not object to the administrative notice documents, and I marked them as Hearing Exhibit (H.E.) I.

Applicant testified and introduced one exhibit, which was marked as Applicant's Ex. A and entered in the record without objection. DOHA received the hearing transcript (Tr.) on November 30, 2012.

Findings of Fact

The SOR contains five allegations that raise security concerns under Guideline B, Foreign Influence (SOR ¶¶ 1.a. through 1.e.). In her Answer to the SOR, Applicant stated that she "disagreed" with the Guideline B allegations and provided additional information. (SOR; Answer to SOR.)

Applicant, who is 39 years old, was born in Afghanistan. She immigrated to the United States in 2000, and she became a naturalized U.S. citizen in 2005. She is fluent in English and three of the languages of the people of Pakistan and Afghanistan. She has applied for employment in the United States as a linguist for a government contractor, and she seeks a security clearance for the first time. (Ex. 1; Tr. 33-35, 43-44, 47.)

The SOR alleges at ¶ 1.b. that Applicant's mother is a citizen and resident of Afghanistan. Applicant's father was killed in warfare in Afghanistan in 1984, when Applicant was 11 years old. Her mother, a citizen and resident of Afghanistan, then took Applicant and her infant brother to Pakistan, where the family lived for two years in a refugee camp, along with other extended family members. The family then moved to a Pakistani city inhabited primarily by Afghan refugees. (Tr. 33-34, 80-81.)

In 1989, Applicant's mother returned to Afghanistan to visit family, and she did not return to Pakistan. Applicant learned that her mother remarried and had other children. Applicant feels that her mother abandoned her and her brother. She has had no contact with her mother since 1989. She has not sought information about her mother's whereabouts because her mother's abandonment was so hurtful. Applicant has no desire to locate her mother or communicate with her in the future. (Tr. 34, 49-50, 79-80.)

¹ See H.E. 2.

² The Government provided nine official U.S. documents and a six-page factual summary containing facts about Afghanistan.

Applicant remained in the refugee community in Pakistan and lived in the household of an uncle. She raised her brother, who is ten years her junior. (Ex. 1; Tr. 79-80.)

While in Pakistan, Applicant advocated rights for women, which caused her to become a target of the Taliban. In 2000, Applicant was granted refugee status, and she and her brother came to the United States. (Ex. 1; Tr. 33-34.)

Soon after her arrival in the United States, Applicant acquired a job as an administrative assistant in the food service program on the campus of the university where she was enrolled. The director of the program and his wife became Applicant's friends and advisors. The director of the program provided a letter of character reference for Applicant. In his letter, he stated: "In the 12 ½ years that I have known her, I have never witnessed any lapse of judgment or defect in character. I know that [Applicant] can be trusted absolutely." (Ex. 1; Ex. A.)

Applicant's brother, now a U.S. citizen, is married and works as a linguist. In the United States, Applicant earned a bachelor's degree in political science and women's studies in 2004. In 2008, she also earned a master's degree in women's studies. (Ex. 1; Tr. 33-34.)

The SOR alleges at ¶ 1.a. that Applicant's husband is a citizen of Afghanistan currently residing in the United States. Applicant met the man who became her husband in the United States. He is a citizen of Afghanistan, and he also has refugee status. He has applied for U.S. permanent resident status. Applicant and her husband married in 2003. (Ex. 1; Tr. 35-37.)

Since immigrating to the United States in 2001, Applicant's husband has not returned to Afghanistan. In 2010, he earned a Master of Business Administration degree. He is employed as a financial analyst. Applicant and her husband are the parents of two young daughters, who were born in the United States. (Ex. 1; Tr. 35-37.)

The SOR alleges at ¶ 1.c. that Applicant's mother-in-law and father-in-law are citizens and residents of Afghanistan. Applicant has never met her parents-in-law. She has spoken briefly on the telephone with them twice since her marriage to her husband. Her parents-in-law live in a remote part of Afghanistan, and it is difficult to reach them by telephone. Applicant's husband tries once or twice each year to reach his parents by telephone. Applicant's father-in-law is a retired farmer, and her mother-in-law is a housewife. (Ex. 2; Tr.50-53.)

In 2004, during her university studies, Applicant traveled for two months to Afghanistan to conduct research for her master's thesis. She studied the effects of a Taliban massacre of men of the Hazara minority group and the effects of the massacre on the women and children who survived. (Tr. 38-41.)

In 2009 and 2010, Applicant worked in the United States as a contract producer, interviewer, and broadcaster for a U.S. Government radio network. She worked especially on issues involving Afghan women. In that capacity, she conducted telephone interviews with individuals with knowledge and expertise on issues affecting the women of Afghanistan. She did not travel to Afghanistan to do this work. (Ex. 1; Tr. 44-46.)

In her work as a researcher and broadcaster, Applicant became acquainted with several individuals who are citizens and residents of Afghanistan. One of these individuals is the headmaster and founder of a coeducational school in Afghanistan. Applicant met and spent about three hours visiting the headmaster and his coeducational school in 2004, when she was conducting research for her thesis. In 2010 when Applicant worked as a broadcaster, the headmaster visited her office in the United States once, and she interviewed him and some of his students. (Ex. 2; Tr. 59-62.)

In 2011, Applicant was awarded a fellowship to study women's issues in Afghanistan. She traveled to Afghanistan for two weeks to conduct interviews with individuals who supported rights for women in Afghanistan. She again visited the coeducational school for about three hours and spoke with the headmaster. In 2012, when he came to the United States to lecture about a book he wrote on Afghan coeducation, Applicant attended the headmaster's lecture. After the lecture, she left and did not speak further with the headmaster. (Tr. 59-66.)

When Applicant was in Afghanistan in 2011 conducting research, an English-speaking woman's rights activist agreed to meet with her to discuss her work. She also provided Applicant with access to other women working for women's emancipation in Afghanistan. Applicant met with and interviewed the woman and her colleagues over a period of two days during her 2011 trip to Afghanistan. Since leaving Afghanistan, Applicant has had no further contact with the woman or her colleagues. (Tr. 55-59.)

When Applicant completed a list of relatives and associates as a part of her security clearance application, she identified the headmaster and the women's rights activist as "friends." The SOR alleges at SOR ¶ 1.d. that Applicant maintained contact with several friends who are citizens and residents of Afghanistan. At her hearing, Applicant explained that the headmaster and the women's rights activist were not friends but English-speaking individuals with whom she came in contact in the course of carrying out her professional duties. She emphasized that she has no ongoing contacts with these individuals. (Tr. 56-66, 74-75.)

When Applicant went to Afghanistan in 2004 to conduct research, she met a woman who held a political office in Afghanistan. The official spoke English. Applicant interviewed the official, and for two days she observed the work of the official's office. In 2009 or 2010, the official came to the U.S. city where Applicant worked to attend an international conference. The official called Applicant and asked her to take her shopping. Applicant agreed and picked up the official at her hotel. Applicant then drove

the official to a shopping center, where she purchased some items. Applicant then drove the official back to her hotel and left her. (Tr. 66-69.)

When Applicant went to Afghanistan in 2011 to conduct research, she contacted the official, and she invited Applicant to stay at her home. Applicant stayed at the official's house for three days. Since leaving Afghanistan in 2011, Applicant has had no further contact with the official. She tried upon her return to telephone the official and thank her for her hospitality, but the call could not be completed. She has not tried to contact the official since then. The SOR alleges at ¶ 1.e. that Applicant maintains close and continuing contact with the official. Applicant denied the allegation and stated that the official was not a friend but a professional contact. (Tr. 69-75.)

Applicant stated that she has no intention to return to Afghanistan. She explained that as the mother of young children, she does not wish to leave her family and travel again to Afghanistan unless her prospective government contractor employer requested it. The position she has applied for as a linguist is located in the United States. (Tr. 43-44, 75-76.)

Applicant stated that she wishes to use her skills as a linguist to pay a debt she believes she owes to the United States for the opportunity she received to pursue a formal university education. She also wants to use her knowledge of the languages of Pakistan and Afghanistan to make life safer for her children and other Americans. (Tr. 17.)

I take administrative notice of the following facts about Afghanistan. The facts in the following summary were provided by Department Counsel to Applicant and to me. The facts were derived from official U.S. Government documents provided as attachments to the summary and are identified in the record as H.E. I.³

Afghanistan has been an independent nation since August 19, 1919, after the British relinquished control. Following a Soviet-supported coup in 1978, a Marxist government emerged. In December 1979, Soviet forces invaded and occupied Afghanistan. Afghan freedom fighters, known as

³ The following official U.S. Government documents were used to provide the factual summary on Afghanistan quoted in this decision: U.S. Department of State, *Background Note: Afghanistan*, December 6, 2011 (13 pages); U.S. Department of State, *Country Reports on Human Rights Practices for 2011: Afghanistan* (47 pages); U.S. Department of State, Bureau of Consular Affairs, *Country Specific Information: Afghanistan*, February 7, 2012 (9 pages); Worldwide Threat Assessment of the U.S. Intelligence Community for the House Permanent Select Committee on Intelligence, Director of National Intelligence, February 2, 2012 (30 pages); U.S. Department of State, *Country Reports on Terrorism 2011, Chapter 5 – Terrorist Safe Havens and Tactics and Tools for Disrupting or Eliminating Safe Havens*, July 31, 2012 (2 pages); U.S. Department of State, Bureau of Consular Affairs, *Travel Warning: Afghanistan*, June 27, 2012 (3 pages); U.S. Department of State, *Country Reports on Terrorism 2011 South and Central Asia Overview* (4 pages); *Statement of Joint Chiefs of Staff Before the Senate Armed Services Committee on Afghanistan and Iraq*, September 22, 2011; and U.S. Department of State, *U.S. Declares Haqqani Network a Terrorist Organization*, 07 September 2012, IIP Digital, 3 pages. Footnotes in the quoted text were omitted.

mujaheddin, opposed the communist regime. The resistance movement eventually led to an agreement known as the Geneva Accords, signed by Pakistan, Afghanistan, the United States, and the Soviet Union, which ensured that Soviet forces would withdraw by February 1989.

The mujaheddin were not a party to the negotiations for the Accords and refused to accept them. As a result, a civil war continued after the Soviet withdrawal. In the mid-1990s, the Taliban rose to power largely due to the anarchy and the division of the country among warlords that arose after the Soviet withdrawal. The Taliban sought to impose an extreme interpretation of Islam on the entire country and committed massive human rights violations. The Taliban also provided sanctuary to Osama Bin-Laden, to al-Qa'ida generally, and to other terrorist organizations.

After the September 11, 2001, terrorist attacks, U.S. demands that Afghanistan expel Bin-Laden and his followers were rejected by the Taliban. U.S. forces and a coalition partnership commenced military operations in October 2001 that forced the Taliban out of power by November 2001.

After a few years of control by an interim government, the first democratic election took place in October 2004, and a second round of elections took place in 2009. Despite this and other progress made since the Taliban was deposed, Afghanistan still faces many daunting challenges, principally defeating terrorists and insurgents, recovering from over three decades of civil strife; and rebuilding a shattered physical, economic and political infrastructure.

Human rights problems included extrajudicial killings; torture and other abuse; poor prison conditions; widespread official impunity, ineffective government investigations of abuses by local security forces; arbitrary arrest and detention; prolonged pretrial detention; judicial corruption; violations of privacy rights; restrictions on freedom of the press, limits of freedom of assembly; restrictions of freedom of religion, including religious conversions; limits on freedom of movement; official corruption; violence and societal discrimination against women; sexual abuse of children; abuses against minorities; trafficking in persons; abuse of worker rights; and child labor.

There were numerous reports that the government – or its agents – committed arbitrary or unlawful killings. Additionally, the Taliban-led insurgency has become increasingly dangerous and destabilizing. The Taliban's expansion of influence into northern Afghanistan since late 2007 has made the insurgency a countrywide threat. The insurgency has also increased in geographic scope and frequency of attacks and has shown greater aggressiveness and lethality. This lack of security in many areas,

coupled with a generally low governmental capacity and competency, has hampered efforts to improve governance and extend development. The Taliban has been successful in suppressing voter turnout in elections in key parts of the country.

Afghan leaders also continue to face the eroding effects of official corruption and the drug trade. Criminal networks and narcotics cultivation constitute a source of funding for the insurgency in Afghanistan. Streams of Taliban from across the border in Pakistan, along with funds gained from narcotics trafficking and kidnapping, have allowed the insurgency to strengthen its military and technical capabilities.

In addition to the Taliban, al-Qa'ida and other insurgent groups and anti-Coalition organizations continue to operate in Afghanistan resulting in numerous attacks and deaths. Insurgents have targeted NGOs, Afghan journalists, government workers, and UN workers. Even the Afghan capital, Kabul, is considered at high risk for militant attacks, including rocket attacks, vehicle-borne IEDS, and suicide bombings.

Instability along the Pakistan-Afghan frontier continued to provide al-Qa'ida with leadership mobility and the ability to conduct training and operational planning, targeting Western Europe and U.S. interests in particular.

Overall, the State Department has declared that the security threat to all American citizens in Afghanistan remains critical, and travel in all areas of Afghanistan remains unsafe, due to military combat operations, landmines, banditry, armed rivalry between political and tribal groups, and the possibility of terrorist attacks.

Policies

The U.S. Supreme Court has recognized the substantial discretion of the Executive Branch in regulating access to information pertaining to national security, and it has emphasized that “no one has a ‘right’ to a security clearance.” *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). As Commander in Chief, the President has the authority to control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to have access to such information.” *Id.* at 527. The President has authorized the Secretary of Defense or his designee to grant an applicant’s eligibility for access to classified information “only upon a finding that it is clearly consistent with the national interest to do so.” Exec. Or. 10865, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended.

When evaluating an applicant’s suitability for a security clearance, an administrative judge must consider the revised adjudicative guidelines (AG). In addition to brief introductory explanations for each guideline, the adjudicative guidelines list

potentially disqualifying conditions and mitigating conditions, which are used in evaluating an applicant's eligibility for access to classified information.

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, the administrative judge applies these guidelines in conjunction with the factors listed in the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(c), the entire process is a conscientious scrutiny of a number of variables known as the "whole-person concept." The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision.

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that "[a]ny doubt concerning personnel being considered for access to classified information will be resolved in favor of national security." In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record.

Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, the Applicant is responsible for presenting "witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by applicant or proven by Department Counsel. . . ." The Applicant has the ultimate burden of persuasion in seeking to obtain a favorable security decision.

A person who seeks access to classified information enters into a fiduciary relationship with the government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The Government reposes a high degree of trust and confidence in individuals to whom it grants access to classified information. Decisions include, by necessity, consideration of the possible risk the Applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified information.

Section 7 of Executive Order 10865 provides that decisions shall be "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." See *also* EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

Analysis

Guideline B, Foreign Influence

Under Guideline B, Foreign Influence, "[f]oreign contacts and interests may be a security concern if the individual has divided loyalties or foreign financial interests, may be manipulated or induced to help a foreign person, group, organization, or government

in a way that is not in U.S. interests, or is vulnerable to pressure or coercion by any foreign interest.” AG ¶ 6.

Additionally, adjudications under Guideline B “can and should consider the identity of the foreign country in which the foreign contact or financial interest is located, including, but not limited to, such considerations as whether the foreign country is known to target U.S. citizens to obtain protected information and/or is associated with the risk of terrorism.” AG ¶ 6.

In Afghanistan, the Afghan-Taliban dominated insurgency has been increasingly dangerous and destabilizing, despite International Security Assistance Force and Operation Enduring Freedom military operations. In addition to the Taliban, al-Qa’ida, other insurgent groups, and anti-Coalition organizations continue to operate in Afghanistan resulting in numerous attacks and deaths. The State Department has declared that the security threat to all American citizens in Afghanistan remains critical, and travel in all areas of Afghanistan remains unsafe, due to military combat operations, landmines, banditry, armed rivalry between political and tribal groups, and the possibility of terrorist attacks.

Applicant’s mother, father-in-law, and mother-in-law are citizens and residents of Afghanistan. Her husband, with whom she shares her home, is a citizen of Afghanistan who has refugee status in the United States. In her professional and academic work, Applicant has traveled to Afghanistan and met with individuals involved in the education and emancipation of women. Such activities are dangerous in Afghanistan because the Taliban opposes the education and equality of women. These facts are sufficient to raise Guideline B security concerns.

I have considered all of the disqualifying conditions under the Foreign Influence guideline. The facts in this case raise security concerns under disqualifying conditions AG ¶¶ 7(a), 7(b), and 7(d). AG ¶ 7(a) reads: “contact with a foreign family member, business or professional associate, friend, or other person who is a citizen of or resident in a foreign country if that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion.” AG ¶ 7(b) reads: “connections to a foreign person, group, government, or country that create a potential conflict of interest between the individual’s obligation to protect sensitive information or technology and the individual’s desire to help a foreign person, group, or country by providing that information.” AG ¶ 7(d) reads: “sharing living quarters with a person or persons, regardless of citizenship status, if that relationship creates a heightened risk of foreign inducement, manipulation, pressure, or coercion.”

Several mitigating conditions under AG ¶ 8 might be applicable to Applicant’s case. If “the nature of the relationships with foreign persons, the country in which these persons are located, or the positions or activities of those persons in that country are such that it is unlikely the individual will be placed in a position of having to choose between the interests of a foreign individual, group, organization, or government and the interests of the U.S.,” then AG ¶ 8(a) might apply. If “there is no conflict of interest,

either because the individual's sense of loyalty or obligation to the foreign person, group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the U.S., that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest," then AG ¶ 8(b) might apply. If "contact or communication with foreign citizens is so casual and infrequent that there is little likelihood that it could create a risk for foreign influence or exploitation," then AG ¶ 8(c) might apply.

Applicant's husband, a citizen of Afghanistan, immigrated to the United States in 2001 and was granted refugee status. He has applied for permanent resident status. Since coming to the United States, he has not returned to Afghanistan. His contacts with his parents in Afghanistan are minimal and infrequent, thereby making the risk of foreign inducement, pressure, or coercion through his family members in Afghanistan negligible. Like his wife, he has pursued a new life and an education in the United States. He is employed as a financial analyst, and he and Applicant share deep connections to the United States, particularly through their two young children and their intellectual and professional commitments.

Applicant has three immediate family members who are citizens and residents of Afghanistan, a country destabilized by war and terrorist activity. However, Applicant has had no contact with her mother since 1989, 23 years ago. She has no intention to ever be in contact with her mother because she feels her mother abandoned her and her younger brother. Applicant has never met her husband's parents. Since her marriage in 2003, Applicant has spoken briefly on the telephone with her husband's parents only twice. She has no contact with her mother, and her contacts with her husband's parents are minimal and infrequent. The nature of Applicant's contacts with her immediate family members who are citizens and residents of Afghanistan are such that there is little likelihood that they could create a risk for foreign influence or exploitation.

Applicant has no intention to travel to Afghanistan in the future. As a parent, she wishes to remain in the United States with her children and her husband, and she has sought employment as a linguist that will enable her to work in the United States.

As a student researcher and as a professional broadcaster for a U.S. Government radio network, Applicant had contact with three English-speaking individuals who are citizens and residents of Afghanistan. One of the individuals is the headmaster of a coeducational school in Afghanistan; one is an activist supporting rights for women in Afghanistan; and the third is a woman who holds a governmental position in Afghanistan. Applicant testified credibly that her contacts with these individuals occurred in the course of carrying out research and her professional responsibilities. Her relationships with them were professional and were not based upon friendship, nor did they result in friendship. Since completing her work-related associations with them, Applicant has had no further contact with the three individuals. It is not likely that Applicant's relationships with these individuals would cause a conflict of interest that would result in Applicant choosing their interests over those of the United States. It is also not likely that these relationships would create a heightened risk of

foreign exploitation, pressure, or coercion. After carefully all the record evidence, I conclude that AG ¶¶ 8(a), 8(b), and 8(c) apply in mitigation to Applicant's case.

Whole-Person Concept

Under the whole-person concept, an administrative judge must evaluate an applicant's eligibility for a security clearance by considering the totality of an applicant's conduct and all relevant circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(a):

- (1) the nature, extent, and seriousness of the conduct;
- (2) the circumstances surrounding the conduct, to include knowledgeable participation;
- (3) the frequency and recency of the conduct;
- (4) the individual's age and maturity at the time of the conduct;
- (5) the extent to which participation is voluntary;
- (6) the presence or absence of rehabilitation and other permanent behavioral changes;
- (7) the motivation for the conduct;
- (8) the potential for pressure, coercion, exploitation, or duress; and
- (9) the likelihood of continuation or recurrence.

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept.

I considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case. Applicant's early life was difficult. In 1985, her father was killed in Afghanistan. Soon thereafter, her mother took her and her infant brother to Pakistan, where they lived in a refugee camp. In 1989, Applicant was abandoned by her mother and, as a result, became responsible for raising her younger brother. Applicant's support of women's rights caused her to be targeted by the Taliban. She became a refugee again and immigrated to the United States in 2000.

In 2005, Applicant became a U.S. citizen. She pursued an education in the United States and earned a bachelor's degree and a master's degree. She married and became the mother of two children. She now seeks to use her language skills as a contract linguist to be of service to her adopted country.

Applicant's contacts with her immediate family members in Afghanistan are minimal. She testified credibly that her contacts with three other citizens and residents of Afghanistan occurred within the context of her professional work and did not result in friendship or ongoing contacts that could cause a conflict of interest.

Overall, the record evidence sustains a conclusion supporting Applicant's eligibility and suitability for a security clearance. I conclude that Applicant mitigated security concerns arising under the foreign influence adjudicative guideline.

Formal Findings

Formal findings for or against Applicant on the allegations set forth in the SOR, as required by section E3.1.25 of Enclosure 3 of the Directive, are:

Paragraph 1: Guideline B: FOR APPLICANT

Subparagraphs 1.a. - 1.e.: For Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, it is clearly consistent with the national interest to grant Applicant eligibility for a security clearance. Eligibility for access to classified information is granted.

Joan Caton Anthony
Administrative Judge